

Appl. No. 09/656,805
Amdt. Dated July 15, 2005
Reply to Office action of April 15, 2005

REMARKS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter that applicant regards as the invention.

Claims 38-52 have been canceled herein, thus rendering the objections and rejections to such claims moot. Claims 53-69 have been newly added to more clearly and particularly describe the subject matter which applicant regards as the invention. According to the claimed invention, first and second functional parts of a hearing device are assembled at a location via injection molding the second functional part integrally with the first functional part, the first and second functional parts are of first and second materials, respectively.

In contrast to the claimed invention, Juneau et al. (U.S. 6,022,311), which was cited by the Examiner in the Office Action mailed July 15, 2005, discloses a hearing device having a soft solid shell, or outer layer 1, made of a first elastomer and a soft center 2 made of a second elastomer. The outer layer 1 and the soft center 2 are assembled together by utilizing a bonding agent 3 to adhere each of the outer layer 1 and the soft center 2 to a plastic faceplate 4. Thus, Juneau et al. does not disclose, teach, or suggest assembling first and second functional parts at a location via injection molding the second function part integrally with the first functional part, as required by the present claims. In fact, in the relied upon embodiment of Juneau et al., described above, the outer layer 1 and soft center 2 are not molded integrally together at all. Rather, the outer layer 1 and soft center 2 are each separately secured to a third component, the faceplate 4.

Further, Juneau et al. does not disclose, teach, or suggest that the second functional part is manufactured at the same location the second functional part is assembled to the first function part, as required by the present claims. Because Juneau et al. discloses assembly of the outer layer 1 and soft center 2 as a separate step requiring a bonding agent 3 and a faceplate 4, it would not have been possible to perform the assembly process within the same location as the manufacturing process.

Thus, for at least the reasons discussed above, even if one or both of the outer layer 1 and soft center 2 were manufacturing via injection molding processes, Juneau et al. would still fail to

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disclose, teach, or suggest assembling the outer layer 1 and soft center 2 by injection molding one of the parts integrally with the other of the parts, such that the manufacturing process of one of the parts occurs in the same location as the assembly process.

Because the combination of Juneau et al. and the Official Notice taken by the Examiner does not teach or suggest each and every limitation set forth in the present claims, the combination cannot render obvious claim 53 or claims 54-69, which depend therefrom. Withdrawal of this rejection is respectfully requested.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 32955.

Respectfully submitted,



Una L. Lauricia, Reg. No. 48,998

1801 East 9th Street, Suite 1200
Cleveland Ohio 44114-3108
(216) 579-1700
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